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PATENT

Attorney Docket No.: 020054-000211US

Client Ref. No.: AVC-71

TOWNSEND and TOWNSEND and CREW LLP

By: 

Lisa McDill

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter S. Lu et al.

Application No.: 10/663,538

Filed: September 15, 2003

For: NUCLEIC ACID MOLECULE
ENCODING A CLASP-2
TRANSMEMBRANE PROTEIN
(previously CLASP PROTEINS)

Customer No.: 20350

Confirmation No. 5609

Examiner: Bridget E. BUNNER

Technology Center/Art Unit: 1647

**DECLARATION UNDER 37 C.F.R.
§1.132**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The above-referenced patent application refers to human CLASP cDNA clones hCLASP-2A 3' clone (AVC-PD1), hCLASP-2A 5' clone (AVC-PD2), hCLASP-2B clone (AVC-PD12), hCLASP-2 clone hC2GR3.3 (AVC-PD14), and hCLASP-2 clone hC2RT (AVC-PD19).

2. I certify that:

(a) Human CLASP-2A 3' clone (AVC-PD1) was deposited on March 24, 2000 with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VA

Appl. No. 10/388,837
Amdt. dated August 2, 2007
Reply to Office Action of July 28, 2006

PATENT

20110-2209 and granted accession number PTA-1563. The deposit was made pursuant to the provisions of the Budapest Treaty. The deposited material is the same as that identified in the specification.

(b) Human CLASP-2A 5' clone (AVC-PD2) was deposited on March 24, 2000 with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VA 20110-2209 and granted accession number PTA-1562. The deposit was made pursuant to the provisions of the Budapest Treaty. The deposited material is the same as that identified in the specification.

(c) Human CLASP-2B clone (AVC-PD12) was deposited on March 24, 2000 with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VA 20110-2209 and granted accession number PTA-1573. The deposit was made pursuant to the provisions of the Budapest Treaty. The deposited material is the same as that identified in the specification.

(d) hCLASP-2 clone hC2GR3.3 (AVC-PD14) was deposited on October 17, 2000 with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VA 20110-2209 and granted accession number PTA-2611. The deposit was made pursuant to the provisions of the Budapest Treaty. The deposited material is the same as that identified in the specification.

(e) hCLASP-2 clone hC2RT (AVC-PD19) was deposited on October 17, 2000 with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VA 20110-2209 and granted accession number PTA-2614. The deposit was made pursuant to the provisions of the Budapest Treaty. The deposited material is the same as that identified in the specification.

(f) All restrictions, except those required by law or regulation for safety, health, or similar reasons, on the availability to the public of the clones identified in Paragraphs (a)-(e) will be irrevocably removed, without restriction or condition, upon the issuance of a patent for the above-identified application. Access to the deposits will be available during pendency of the


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application to one determined by the Commissioner to be entered thereto under 37 CFR §1.14 and under 35 USC §122.

(g) The clones identified in Paragraphs (a) thru (e) above will be maintained at the ATCC and replaced in the event of mutation, non-viability or destruction for a period of at least five (5) years after the most recent request for release of a sample was received by ATCC, for a period of at least thirty (30) years after the date of deposit, or during the enforceable life of the related patent, whichever period is longest.

Date: August 2, 2007

By: 
Ashita A. Doshi
Attorney of Record
Reg. No. 57,327

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Arbor Vita Corporation
Attn: Peter S. Lu, MD
772 Lucerne Drive
Sunnyvale, CA 94086

Deposited on Behalf of: Arbor Vita Corporation

Identification Reference by Depositor:

Patent Deposit Designation

Human CLASP-2 5' clone in E. coli AVC-PD2
Human CLASP-2 3' clone in E. coli AVC-PD1
Human CLASP-3 3' clone in E. coli AVC-PD3
Human CLASP-5 3' clone in E. coli AVC-PD5
Human CLASP-4 3' clone in E. coli AVC-PD4
Human CLASP-1 3' clone in E. coli AVC-PD8

PTA-1582
PTA-1583
PTA-1584
PTA-1585
PTA-1586
PTA-1587

The deposits were accompanied by: a scientific description a proposed taxonomic description indicated above.
The deposits were received March 24, 2000 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested April 6, 2000. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:


Barbara E. Coupé, Administrator, Patent Depository

Date: April 13, 2000

cc: William M. Smith (Ref. 020054-000000US)

DP279

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Arbor Vita Corporation
Attn: Peter S. Lu, MD
772 Lucerne Drive
Sunnyvale, CA 94086

Deposited on Behalf of: Arbor Vita Corporation

Identification Reference by Depositor:

Patent Deposit Designation

Human CLASP-5 5' clone in E. coli AVC-PD10
Human CLASP-1 5' clone in E. coli AVC-PD8
Human CLASP-3 5' clone in E. coli AVC-PD9
Human CLASP-1 partial clone in E. coli AVC-PD7
Human CLASP-4 6' clone in E. coli AVC-PD11
Human CLASP-2 clone B in E. coli AVC-PD12

PTA-1566
PTA-1569
PTA-1570
PTA-1571
PTA-1572
PTA-1573

The deposits were accompanied by: ___ a scientific description _ a proposed taxonomic description indicated above.
The deposits were received March 24, 2000 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested April 12, 2000. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:


Barbara E. Coupé, Administrator, Patent Depository

Date: April 13, 2000

cc: William M. Smith (Ref. 020054-000000US)

2242

ATCC

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**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2****To: (Name and Address of Depositor or Attorney)****Arbor Vita Corporation
Attn: Peter S. Lu, MD
772 Lucerne Dr.
Sunnyvale, CA 94085****Deposited on Behalf of: Arbor Vita Corporation****Identification Reference by Depositor:**

Human Clasp-4 5' cDNA Clone: AVC-PD16
Human Clasp-3 5' cDNA Clone: AVC-PD15
Human Clasp-4 3' cDNA Clone: AVC-PD17
Human Clasp-2 5' cDNA Clone: AVC-PD14
Human Clasp-5 5' cDNA Clone: AVC-PD20
Human Clasp-1 5' cDNA Clone: AVC-PD13
Human Clasp-2 5' cDNA Clone: AVC-PD19
Human Clasp-1 5' cDNA Clone: AVC-PD18
Human Clasp-3 5' cDNA Clone: AVC-PD21
Human Clasp-3 5' cDNA Clone: AVC-PD22

Patent Deposit Designation

PTA-2608
PTA-2609
PTA-2610
PTA-2611
PTA-2612
PTA-2613
PTA-2614
PTA-2615
PTA-2616
PTA-2617

The deposits were accompanied by: ___ a scientific description ___ a proposed taxonomic description indicated above. The deposits were received October 17, 2000 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested October 25, 2000. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:



Frank Simone, Director, Patent Depository

Date: January 22, 2001

cc: William Smith

BP409